

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOEY KEITH HAWKINS, #17262-078	§	
VS.	§	CIVIL ACTION NO. 6:15cv950
		CRIM NO. 6:10cr46
UNITED STATES OF AMERICA	§	

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Joey Hawkins, a federal prisoner confined at the Federal Medical Center in Fort Worth, Texas, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for disposition of the case.

On October 22, 2018, Judge Mitchell issued a Report, (Dkt. #13), recommending that Petitioner's petition be dismissed and that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address. To date, however, no objections to the Report have been filed. The Court notes that Petitioner has not communicated with the Court in this case since October 2017.

Because Petitioner has failed to file objections to Judge Mitchell's Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #13), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's petition for a writ of habeas corpus is **DISMISSED**. Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED February 22, 2019**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, Senior District Judge